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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,837	06/01/2001	Mark Ortowski	10010629-1	2835

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, CO 80537-0599

EXAMINER

LEON, EDWIN A

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/871,837	ORTOWSKI ET AL.	
	Examiner	Art Unit	
	Edwin A. León	2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, drawn to electrical connectors, classified in class 439, subclass 540.1.
 - II. Claims 12-21, drawn to method of making electrical connectors, classified in class 29, subclass 835.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the main panel can be made by pre molding the piece of metal.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Cynthia Mitchell on November 6, 2001 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-11. Affirmation of this election must be made by applicant in replying to this

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Office action. Claims 12-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sanchez et al. (U.S. Patent No. 6,086,415). With regard to Claim 1, Sanchez et al. discloses an modular system interface, comprising: a main panel (24) configured to be attachable to a rack (90,92) and including of at least one sub-panel slot (70); and at least one sub-panel (22) configured to be attachable to the main panel (24) through the sub-panel slot (70), wherein the at least one sub-panel (22) supports a predetermined connector (28,30). See Fig. 1.

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With regard to Claim 2, Sanchez et al. discloses the main panel (24) further comprising: an access slot (66) that provides easy pass-through of a cable. See Fig. 1.

With regard to Claim 3, Sanchez et al. discloses the main panel (24) further comprising: a bottom support (Fig. 6) that provides support for the main panel (24) on the rack (90,92). See Fig. 1.

With regard to Claim 4, Sanchez et al. discloses the main panel (24) further comprising a top support (Fig. 5) that provides support for the main panel (24) on the rack. See Fig. 1.

With regard to Claim 5, Sanchez et al. discloses the main panel (24) being stamped from sheet metal. See Fig. 1.

With regard to Claim 6, Sanchez et al. discloses the main panel (24) further comprising: means (84,86, 98) for removably securing the at least one sub-panel (22). See Fig. 1.

With regard to Claim 7, Sanchez et al. discloses the means (84,86, 98) for removably securing further comprising a threaded structure. See Fig. 1.

With regard to Claim 8, Sanchez et al. discloses the sub-panel (22) further comprising a connector access slot (32) configured to support the predetermined connector (28,30). See Fig. 1.

With regard to Claim 9, Sanchez et al. discloses the sub-panel (22) further comprising means (38,40) for attaching to the main panel (24). See Fig. 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al. (U.S. Patent No. 6,086,415). Sanchez et al. discloses the claimed invention except for a label marking area and an adhesive mylar label being attached to the label marking area. It would have been an obvious matter of design choice to have a label marking area and an adhesive mylar label being attached to the label marking area, since applicant has not disclose that these features are critical, patentably distinguishing features.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White (U.S. 5,492,478), Niklos (U.S. Patent No. 5,921,817), Deinhardt (U.S. Patent No. 5,043,847), Reed et al. (U.S. Patent No. 5,531,611), Lausberg et al. (U.S. Patent No. 6,210,179), Berst et al. (U.S. Patent No. 6,302,742), Hardt et al. (U.S. Patent No. 6,229,709), Wierc et al. (U.S. Patent No. 4,758,928), Cronin (U.S. Patent No. 3,950,058), Lecomte (U.S. Patent No. 6,077,113), Freeman et

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al. (U.S. Patent No. 5,658,166), Arnold (U.S. Patent No. 5,647,763), Tan et al. (U.S. Patent No. 5,545,057), Martin et al. (U.S. Patent No. 6,273,752), Pavel (U.S. Patent No. 4,605,275), Porter et al. (U.S. Patent No. 4,583,808), Carter et al. (U.S. Patent No. 3,711,817), and Etchison, Jr. et al. (U.S. Patent No. 4,353,614) disclose interfaces having main and sub panels.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (703) 308-6253. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

EAL
November 12, 2001

**P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800**